REMARKS

Claims 1 to 14 are pending in this case. Claim 1 is the only independent claim. Applicants hereby respectfully request that the subject patent application be reconsidered in view of the following remarks.

Figure 1 is relabeled as "Prior Art" as suggested in the Office Action. Replacement Sheets and an Annotated Sheet are submitted with this paper. Claims 1 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The amendments to claims 1, 6, and 14 are believed to overcome this rejection. These amendments do not change the scope of the claims.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Napster Client/Server protocol in view of Swift et al. (U.S. Patent No. 6,377,691). Applicants respectfully traverse.

"[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR v. Teleflex*, 550 U.S. at___, 82 U.S.P.Q.2d at 1396 (2007). *See also* MPEP 2141(III).

The primary reference, Napster Client/server protocol, is an open specification with a disclaimer on page 1, that "the following information was gathered by analyzing the protocol between the **Linux nap client and may not resemble the official Windows client protocol.**" (Emphasis added). Clearly, Napster Client/server protocol is based on a Linux operating system. Whereas, the secondary reference Swift et al., assigned to Microsoft Corporation, is directed for use with a Windows system. For example, Swift et al. in column 3, lines 49-54 and column 5, lines 51-56 explicitly describes that "[A]nother advantage of using the challenge-response authentication protocol is that many existing network operating systems, such as **WINDOWS NT** available from Microsoft Corporation of Redmond, Wash., are capable of performing a similar type of protocol using virtual circuit transmission." (Emphasis added).

In view of the foregoing, one of the ordinary skill in the art having the Napster reference, would not look to a Microsoft patent and would not seek to combine a Linux based Napster Client/server protocol with that of Swift. Further, in view of the above-mentioned disclaimer in Napster Client/server protocol, there would have been no reasonable expectation of success when combining a Linux protocol with that of swift as one of the ordinary skill in the art would recognize that these references are clearly incompatible with one another. Moreover, this incompatibility between the two operating systems would teach away from combing the two references. Therefore, it would not be obvious to one of the ordinary skill in the art at the time the invention was made to combine Napster Client/server protocol with Swift et al.

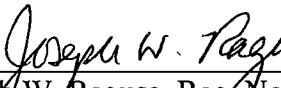
Because no reason with rational underpinnings or support has been provided to support the combination of these references, no prima facie case of obviousness has been made. Accordingly, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Napster Client/server protocol and Swift et al.

All other claims are dependent claims and include all of the limitations found in claim 1. These dependent claims have further limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested in the art of record. Therefore, all the dependant claims are allowable.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance. No fee is believed to be due for this Amendment. Should any fees be required, please charge such fees to Deposit Account No. 50-2215.

Dated: July 29, 2008

Respectfully submitted,

By 

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